

**LOGAN RANKIN** )  
**Plaintiff,** )  
) )  
**vs.** )  
) )  
**ADVANCED EMPLOYMENT** )  
**SERVICE and NISH PATEL NIRMAL** )  
**INC. d/b/a GLOBAL CONSTRUCTION** )  
**Defendants.** )  
) )

**THIS MATTER** is before the Court on the plaintiff's Motion to Appoint Counsel (Doc. No. 4), the defendants' Motions to Dismiss (Doc. Nos. 10, 11), the plaintiff's Response and Motion for Leave to Amend Complaint (Doc. No. 16), and the magistrate judge's Memorandum and Recommendation ("M&R") (Doc. No. 18), which recommended that (1) the Motion for Leave to Amend Complaint be granted and (2) the Motion to Appoint Counsel and Motions to Dismiss be denied as moot. The parties were advised that objections were to be filed in writing within ten (10) days after service of the magistrate judge's decision. (Doc. No. 18: M & R at 4). The time for filing objections has since passed and no objections have been filed by either party in this matter. For the reasons stated below, the Court **GRANTS** the plaintiff's Motion for Leave to Amend Complaint and **DENIES** as moot the defendants' Motions to Dismiss and the plaintiff's Motion to Appoint Counsel.

The Federal Magistrate Act provides that a district court “shall make a de novo determination of those portions of the report or specific proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C); Camby v. Davis, 718 F.2d 198, 198 (4th Cir. 1983). “By contrast, in the absence of a timely filed objection, a district court need not conduct a de novo

review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

## II. CONCLUSION

Accordingly, after a careful review of the record in this case, the Court finds that the magistrate judge’s findings of fact are supported by the record and his conclusions of law are consistent with and supported by current case law. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections). Thus, the Court hereby accepts the M&R of Magistrate Judge Cayer and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that:

1. the plaintiff’s Motion to Amend Complaint (Doc. No. 16) is **GRANTED**, and the Plaintiff shall file her Amended Complaint on or before June 1, 2009;
2. the plaintiff’s Motion to Appoint Counsel (Doc. No. 4) is **DENIED AS MOOT**; and
3. the defendants’ Motions to Dismiss (Doc. Nos. 10, 11) are **DENIED AS MOOT**.

Signed: May 12, 2009



Robert J. Conrad, Jr.  
Chief United States District Judge

